

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 4/13/2012

Case Number 2:12-md-02325

Case Style: In Re: American Medical vs.

Type of hearing Initial Hearing

Before the honorable: 2513-Goodwin

Court Reporter Teresa Harvey

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Bryan Aylstock, Henry Garrard and Fred Thompson

Attorney(s) for the Defendant(s) Barbara Binis, Robert Adams and Christy Jones

Law Clerk Angie Volk and Kate Fife

Probation Officer

Trial Time

### Non-Trial Time

Other non-evidentiary hearing. Type:

### Court Time

9:00 am to 10:05 am

Total Court Time: 1 Hours 5 Minutes Non-Trial Time/Uncontested Time

### Courtroom Notes

Scheduled start time 9:00 a.m.

Actual start time 9:00 a.m.

#### INITIAL HEARING

In re American Medical Systems Inc. MDL 2325,

In re Boston Scientific Corp. MDL 2326 and

In re Ethicon, Inc. MDL No. 2327

Pelvic Repair System Products Liability Litigation

Introduction of counsel

Counsel Structure

Coordinating Co-lead counsel for Plaintiffs - Bryan Aylstock, Henry Garrard, Fred Thompson

Henry Garrard will continue as lead counsel in C. R. Bard MDL 2187 and Derek Potts will join Mr. Garrard as co-lead counsel

Co-lead counsel for American Medical Systems MDL 2325 - Amy Eskin and Fidelma Fitzpatrick

Co-lead counsel for Boston Scientific MDL 2326 - Clayton Clark and Aimee Wagstaff

Co-lead counsel for Ethicon MDL 2327 - Renee Baggatt and Tom Cartmell

Plaintiffs executive committee: Bryan Aylstock, Henry Garrard, Fred Thompson, Tom Cartmell, Clayton Clark, Amy Eskin, Derek Potts and Aimee Wagstaff.

Plaintiffs Co-liaison counsel: Harry Bell, Paul Farrell and Carl Frankovitch

Lead counsel for American Medical Systems MDL 2325 - Barbara Binis

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Lead counsel for Boston Scientific MDL 2326 - Robert Adams

Lead counsel for Ethicon MDL 2327 - Christy Jones

Defendants Liaison counsel: Michael Bonasso, David Thomas and Michael Farrell. Mark Williams continues as defendants liaison counsel in the Bard MDL.

Overview of Products

Procedural Issues:

Issues as to proper party defendants (issue on AMS and Ethicon agendas)

Direct filing of additional actions. The parties have exchanged ideas on a Direct Filing Order and are working to have a proposed order for the Court at the April 13, 2012 hearing

Amendment of pleadings

The parties will work on a proposed Order to cover the following: Protective Order and ESI (electronically stored information) Order and Protocol; Master Complaints, Short Form Complaints and Defendants' answers thereto, preliminary motions, production of documents, privilege log protocol, preservation of evidence, redaction protocol, and service of process issues.

Scheduling of future status conferences

Pro hac vice motions/necessity of local counsel

Magistrate Judge Stanley addresses Discovery Issues:

Status of any discovery produced to date

The parties will meet and confer regarding the use of a Plaintiffs Fact Sheet and Defendant Fact Sheet, preservation of evidence issues and production of medical records, and will keep the Court apprised of the progress of those discussions.

Protective Orders - see local rules

Limit the number of confidential documents

Additional matters presented to the court by counsel.

End time 10:05 a.m.